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14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 IN RE iPhone/iPAD APPLICATION
19 CONSUMER PRIVACY LITIGATION

Case No.: 5:11-MD-02250-LHK

**DECLARATION OF DEBORAH
KRAVITZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Hearing Date: February 28, 2013
Time: 1:30 P.M.
Courtroom: 4

The Honorable Lucy H. Koh

1 I, Deborah Kravitz, declare as follows:

2 2. I am senior counsel at KamberLaw, LLP, a member of the bar of the States of
3 California and Maryland and the District of Columbia, and am fully familiar with the
4 proceedings in this matter.

5 3. I make this declaration in support of Plaintiffs' Motion for Class Certification and
6 based on personal knowledge. I am competent to testify to the matters set forth here, and would
7 testify to the matters as set forth here if called upon to do so.

8 4. Attached as Exhibit 1 is a true and correct copy of documents bates stamped
9 Apple_0002897 through Apple_0002902, which is Apple's Privacy Policy updated June 29,
10 2007.

11 5. Attached as Exhibit 2 is a true and correct copy of documents bates stamped
12 Apple_0002903 through Apple_0002907, which is Apple's Privacy Policy updated June 21,
13 2010.

14 6. Attached as Exhibit 3 is a true and correct copy of documents bates stamped
15 Apple_0002908 through Apple_0002912, which is Rev. Apple's Privacy Policy updated June 21,
16 2010.

17 7. Attached as Exhibit 4 is a true and correct copy of documents bates stamped
18 Apple_0002913 through Apple_0002916, which is Apple's Privacy Policy updated October 21,
19 2011.

20 8. Attached as Exhibit 5 is a true and correct copy of documents bates stamped
21 Apple_0002857 through Apple_0002879, which is Apple's Terms and Conditions updated
22 October 12, 2011.

23 9. Attached as Exhibit 6 is a true and correct copy of documents entitled Apple's
24 Terms and Conditions updated May 23, 2012, which was authenticated as exhibit 15 to the
25 Deposition of Phillip Shoemaker.

26 10. Attached as Exhibit 7 is a true and correct copy of documents bates stamped
27 Apple_0000001 through Apple_0000005, which is Apple's iPhone Software License Agreement
28 updated May 8, 2009.

1 11. Attached as Exhibit 8 is a true and correct copy of documents bates stamped
2 Apple_0000006 through Apple_0000011, which is Apple's iPad Software License Agreement
3 updated February 9, 2010.

4 12. Attached as Exhibit 9 is a true and correct copy of documents bates stamped
5 Apple_0000012 through Apple_0000017, which is Apple's iPod Touch Software License
6 Agreement updated May 14, 2010.

7 13. Attached as Exhibit 10 is a true and correct copy of documents bates stamped
8 Apple_0000018 through Apple_0000036, which is Apple's iPod Touch Software License
9 Agreement updated October 1, 2010.

10 14. Attached as Exhibit 11 is a true and correct copy of documents bates stamped
11 Apple_0000037 through Apple_0000050, which is Apple's iPad Software License Agreement
12 updated January 19, 2011.

13 15. Attached as Exhibit 12 is a true and correct copy of documents bates stamped
14 Apple_0000051 through Apple_0000060, which is Apple's iOS Software License Agreement
15 updated August, 15, 2011.

16 16. Attached as Exhibit 13 is a true and correct copy of documents bates stamped
17 Apple_0000076 through Apple_0000080, which is Apple's iPhone Software License Agreement
18 updated July, 19, 2010.

19 17. Attached as Exhibit 14 is a true and correct copy of documents bates stamped
20 Apple_0000081 through Apple_0000090, which is Apple's iOS Software License Agreement
21 updated December 9, 2011.

22 18. Attached as Exhibit 15 is a true and correct copy of excerpts of the deposition of
23 Dr. "Bud" Tribble, Vice President of Software Technology, dated October 2, 2012.

24 19. Attached as Exhibit 16 is a true and correct copy of excerpts of the deposition of
25 Phillip Shoemaker, Director of App Store Review, dated November 8, 2012.

26 20. Attached as Exhibit 17 is a true and correct copy of excerpts of the deposition of
27 Ronald Huang, Senior Manager iOS and Location Services, dated December 5, 2012.

1 21. Attached as Exhibit 18 is a true and correct copy of excerpts of the deposition of
2 Erik Neuenschwander, manager of Apple's Product Security Team, dated November 11, 2012.

3 22. Attached as Exhibit 19 is a true and correct copy of excerpts of the deposition of
4 Isabella Capiro dated October 30, 2012

5 23. Attached as Exhibit 20 is a true and correct copy of excerpts of the deposition of
6 Alejandro Capiro dated October 29, 2012.

7 24. Attached as Exhibit 21 is a true and correct copy of excerpts of the deposition of
8 Cameron Dwyer dated August 14, 2012.

9 25. Attached as Exhibit 22 is a true and correct copy of excerpts of the deposition of
10 Anthony Chui dated August 15, 2012.

11 26. Attached as Exhibit 23 is a true and accurate copy of the testimony of C. Novelli,
12 bates stamped Apple_1027051 through Apple_1027060, to the United States Congress dated
13 May 19, 2011.

14 27. Attached as Exhibit 24 is a true and accurate copy of the testimony of Dr. "Guy"
15 Tribble, bates stamped Apple_0002922 through Apple_0002934, to the United States Congress
16 dated May 11, 2011.

17 28. Attached as Exhibit 25 is a true and accurate copy of a letter from Bruce Sewell,
18 General Counsel and Senior Vice President of Legal and Government Affairs, bates stamped
19 Apple_1026895 through Apple_1026916, to the California Department of Justice dated May 4,
20 2011.

21 29. Attached as Exhibit 26 is a true and accurate copy of a letter from Bruce Sewell,
22 to the Honorable Markey and Honorable Barton, bates stamped Apple_1027033 through
23 Apple_1027046, dated July 12, 2010.

24 30. Attached as Exhibit 27 is a true and accurate copy of a New York Times article,
25 bates stamped IAL 899 through IAL 901, dated April 25, 2011 and entitled "Apple and Google
26 Use Phone Data to Map the World."
27
28

1 31. Attached as Exhibit 28 is a true and correct copy of documents bates stamped
2 Apple_1029714 through Apple_1029745, which is a document by David Remahl dated July 12,
3 2011.

4 32. Attached as Exhibit 29 is a true and correct copy of documents bates stamped
5 Apple_1006783 through Apple_1006785, which is a document dated 2011.

6 33. Attached as Exhibit 30 is a true and correct copy of documents bates stamped
7 Apple_0007933 through Apple_0007935, which is an email from Phillip Shoemaker to Allen
8 Schaffer.

9 34. Attached as Exhibit 31 is a true and correct copy of documents bates stamped
10 Apple_1029837 through Apple_1029838, which is an email dated April 19, 2012 from E.
11 Neuenschwander.

12 35. Attached as Exhibit 32 is a true and correct copy of documents bates stamped
13 Apple_1029769 through Apple_1029770, which is an email dated April 7, 2012 from D.
14 Remahl.

15 36. Attached as Exhibit 33 is a true and correct copy of documents bates stamped
16 Apple_1004291 to Apple_1004294, which is an email dated April 25, 2011 from S. Forstall.

17 37. Attached as Exhibit 34 is a true and correct copy of the declaration of Dr. Manuel
18 Egele dated December 17, 2012.

19 38. Attached as Exhibit 35 is a true and correct copy of documents bates stamped
20 Apple_1004683 through Apple_1004691, which is an email dated April 27, 2011 from M.
21 Grainger.

22 39. Attached as Exhibit 36 is a true and correct copy of documents bates stamped
23 Apple_0003495 through Apple_0003497, which is an internal Apple report.

24 40. Attached as Exhibit 37 is a true and accurate copy of documents bates stamped
25 Apple_0002940 through Apple_0002945, which is an article entitled "Your Apps are Watching
26 You," from the Wall Street Journal dated December 17, 2010.

27 41. Attached as Exhibit 38 is a true and correct copy of the Answer filed by Apple in
28 this action, Dkt. No. 113.

42. Attached as Exhibit 39 is a true and correct copy of excerpts from Apple's 10-K for the year ended September 29, 2012.

43. Attached as Exhibit 40 is a true and correct copy of a document bates stamped Apple_1027568, which is an email from R. Huang dated May 2, 2011.

44. Attached as Exhibit 41 is a true and correct copy of documents bates stamped Apple_1004683 through Apple_1004691, which is an email from M. Grainger dated April 27, 2011.

45. Attached as Exhibit 42 is a true and correct copy of the declaration of Alejandro Capiro dated December 16, 2012.

46. Attached as Exhibit 43 is a true and correct copy of the declaration of Isabella Capiro dated December 16, 2012.

47. Attached as Exhibit 44 is a true and correct copy of the declaration of Cameron Dwyer dated December 12, 2012.

48. Attached as Exhibit 45 is a true and correct of the declaration of Anthony Chui dated December 14, 2012.

49. Attached as Exhibit 46 is a true and correct copy of documents bates stamped Apple_0026292 through Apple_0026293, which is an email from P. Shoemaker dated October 20, 2011.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 17, 2012 at Healdsburg, California.

s/Deborah Kravitz
Deborah Kravitz